



PATENT
Docket No. 10694/6
TAN98-9

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

SYSTEM AND METHOD FOR ALWAYS ON
VIRTUAL CONNECTIVITY IN A WIRELESS SYSTEM

the specification of which was filed April 8, 1999, Serial No. 09/288,229.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by an amendment, if any, specifically referred to in this oath or declaration.

I acknowledge the duty to disclose all information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

None

I hereby claim the benefit under Title 35, United States Code, 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

None

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that

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such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the following attorney(s) with full power of substitution and revocation, to prosecute said application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith:

Frank Pietrantonio (Reg. No. 32,289)
Stuart D. Smolen (Reg. No. 42,161)

Please address all correspondence to KENYON & KENYON, 1500 K Street, N.W., Suite 700, Washington, DC 20005. Telephone calls should be made to 202-220-4200.

Full name of inventor: Charles T. Ferguson
Inventor's signature Charles T. Ferguson Date: 5-17-99
Residence: 425 Sparrow Dr., Satellite Beach, FL 32937
Citizenship: USA
Post Office Address: _____
Address: 425 Sparrow Dr.
Satellite Beach, FL 32937

Full name of inventor: Thomas Gorsuch
Inventor's signature Thomas Gorsuch Date: 5/27/99
Residence: Indialantic, FL
Citizenship: USA
Post Office Address: _____
Address: 530 Franklin Ave
Indialantic, FL 32903

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
(37 C.F.R. 1.9(f) & 1.27(c)) – SMALL BUSINESS CONCERN**

**Docket No. (Optional)
10694/1**

Applicant or Patentee: *Charles T. O'F*
Chuck Ferguson
Thomas Gorsuch

Serial or Patent No.: **09/288,229**

Filed or Issued: **April 8, 1999**

Title: **SYSTEM AND METHOD FOR ALWAYS ON VIRTUAL
CONNECTIVITY IN A WIRELESS SYSTEM**

I hereby declare that I am

- the owner of the small business concern identified below:
 an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN

Tantivy Communications, Inc.

ADDRESS OF SMALL BUSINESS CONCERN

2200 Front Street, Suite 3000, Melbourne, Florida 32901

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 C.F.R. 121.12, and reproduced in 37 C.F.R. 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- the specification filed herewith with title as listed above.
 the application identified above.
 the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 C.F.R. 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 C.F.R. 1.9(d), or a nonprofit organization under 37 C.F.R. 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

- no such person, concern, or organization exists.
 each such person, concern or organization is listed below.

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 C.F.R. 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Ronald R. Carney

TITLE OF PERSON IF OTHER THAN OWNER President

ADDRESS OF PERSON SIGNING 2200 Front Street, Suite 300 Melbourne, FL 32901

SIGNATURE Ronald R. Carney DATE June 10, 1999